

— **EXHIBIT 12** —

Rossen Reports: Telemarketers ignore Do Not Call list

It's illegal for them to call once you've signed up — but some keep calling anyway

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TODAY
updated

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More and more Americans are complaining that telemarketers are driving them crazy — even when they say “stop calling me.” TODAY National Investigative Correspondent Jeff Rossen has been digging in.

We've all been there. You're eating dinner: The phone rings. It's a telemarketer trying to sell you, I don't know, an alarm system, a credit card — anything. So you sign up for the federal “Do Not Call” list, and they're supposed to stop calling: It's the law.

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But, officials say, more and more telemarketers aren't listening. We tracked down one of the companies that may have called you.

‘They just won’t stop calling’

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In an unmarked office in Dallas, we found telemarketers hard at work. It's a big business — with, apparently, a big payoff. We spotted the boss's bright yellow Ferrari parked out front with the license plate EARNED.

But this operation is not the only one making telemarketing calls. Companies from Texas to the Philippines are dialing millions of numbers every day, trying to get you on the line.

"They're irritating," Jim Bigham, a stay-at-home dad getting calls almost daily, told us. "They just won't stop calling." And even more outrageous, "we are on the Do Not Call list," he said. "It's not working very well."

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And it's getting worse. Federal officials say telemarketer complaints were up by 600,000 last year. "I told these folks I'm not interested, my numbers are on the Do Not Call list," Bigham said. "I don't want you to call me again."

Here's the bottom line: If you sign up for the National Do Not Call Registry, it is illegal for telemarketers to call you. If they still want to call, they need your *written* consent.

Sign up for the National Do Not Call Registry

Robert Anguizola, a Federal Trade Commission representative, told us: "FTC has seen an uptick in the number of Do Not Call complaints and we are doing everything we can to put an end to those illegal telemarketing operations."

'Why are you calling me?'

Which brings us back to that anonymous office in Dallas, where a company called VMS does business. It's a growing firm, telemarketing and selling alarm systems; they have locations in Rhode Island and Texas — and a history of consumer complaints.



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VMS says that if someone asks them to stop calling, they stop calling. But Jim Bigham told us: "They have all of my numbers. They're calling every possible combination of numbers that I have."

A consumer advocate told us VMS called her so many times that she sued them. Then what happened? They called her again. And she taped it.

"Why are you calling me?" she asks the VMS telemarketer on the recording. "I have a class action lawsuit pending against your company for these unwanted calls because my number's on the national Do Not Call registry. Can you explain that to me?"

"I'm not sure how that works," the telemarketer replies on the recording.

Not sure how it works? By law, VMS *should* know. They've been investigated for Do Not Call list violations in two states. So we went to the president of VMS, Jay Gotra.

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"There are a lot of complaints about your company," we said as we interviewed Gotra in the VMS parking lot.

"People who are on the Do Not Call list keep getting called by your company and your telemarketers. They even tell your operators to stop calling, and yet they still call. How do you explain that?"

"I have no comment," Gotra said.

"You've actually settled with the attorneys general of two different states. You've paid penalties. Yet it keeps happening, it seems like. Why is that?"

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Gotra replied: "That's wrong information and I would like you to correct that from the attorneys general themselves."

Sign up for the National Do Not Call Registry

We did. And here's the paperwork straight from the AGs themselves: In Pennsylvania, Gotra's company admitted to "violations of the state telemarketer act" and paid \$28,000 to settle. In Kentucky, VMS "denied any willful wrongdoing" but paid \$20,000 in penalties.

We asked Gotra: "Do your telemarketers ever call people on the Do Not Call list?"

"Nope."

"Doesn't happen?"

"Not unless they've opted in with opt-in information they've provided us," Gotra said. "By law that says if you opt in (in) writing, we can call you."

So we told Jim Bigham: "VMS says, 'Look, we don't call people unless they ask us to call them.'"

"I did not give them my information," Bigham told us.

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Gotra told us: "If you give me the names of those people, (we will) be more than happy to provide you opt-in information." So we provided VMS with some names. But Jay Gotra, the man in the Ferrari, declined to give us the information, citing litigation.

The federal government is cracking down on telemarketers who break the law. They've sued 85 companies and collected \$68 million in penalties since 2004.

Today there are 209 million phone numbers on the National Do Not Call Registry. And it's easy to sign up. In full disclosure, we weren't on the list until investigating this story. It took about 30 seconds to do it.

And if you do sign up for the list and telemarketers keep calling, you can file a complaint with the Federal Trade Commission. In fact, the FTC told us if that happens, they *want* you to file a complaint. See how to sign up for the Do Not Call list and how to file a complaint below.

To sign up for the National Do Not Call Registry, [click here](#).

To verify that you're registered on the Do Not Call list, [click here](#).

If you are still receiving unwanted calls after signing up and want to file a complaint, [click here](#).

For tips on how recognize and report phone scams, [click here](#).

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